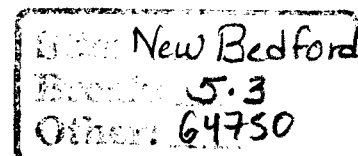


NUTTER, McLENNEN & FISH



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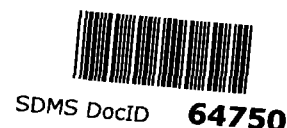
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July 28, 1987

OFFICE OF LEGAL COUNSEL

Charles C. Bering, Esq.  
John Re, Esq.  
United States Environmental  
Protection Agency  
Region 1  
JFK Federal Building  
Boston, MA 02203



Re: United States, et al. v. AVX Corp., et al.

Dear Charles and John:

As a result of our document inspection in Portland in late June, defense counsel have several specific question concerning the sampling data produced. First, as John Re is aware, E.C. Jordan did not have any of the underlying reports for most of the Battelle sampling batches. After reviewing copies of the documents in the custody of E.C. Jordan, we reserve our right to seek discovery of the underlying data at Battelle in Duxbury. Second, you have advised Mary Ryan that computerized data tapes will be produced as documents under FOIA. Presumably, this will include data from Battelle and the EPA Narragansett Laboratory, and perhaps additional sources. We will require sufficient information about the computer program or operating system to allow meaningful use of the data. We should discuss specifically how computerized data tapes can be copied. Third, what position, if any, does the Commonwealth of Massachusetts adopt with respect to release of data? In the past, DEQE, DMF and other state agencies have participated in sampling programs.

For your information, the delays concerning payment of the copies made for us by the company in Portland, Maine, have been resolved and we have arranged for those documents to be shipped to us. Defense counsel also hereby request

NUTTER, McCLENNEN & FISH

Charles C. Bering, Esq.  
John Re, Esq.  
July 28, 1987  
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that they receive copies of the documents and/or computer tapes described by John Re in his June 29 letter to Mary Ryan and Janine Sweeney.

Please feel free to call Mary Ryan or any of the other defense counsel if you have any questions with respect to this matter.

Very truly yours,

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